S.B. Criminal Misc. II Bail Application No.637/2007
In
S.B. Criminal Appeal No.652/2005

Date : 17.07.2007

HON'BLE MR.SATYA PRAKASH PATHAK,J.

Mr. S.S. Shaktawat for the applicant.
Mr. O.P. Rathi, Public Prosecutor.

I have heard learned counsel for the parties on the application for suspension of sentence.

The contention of learned counsel for the applicant is that in this case four persons after trial were convicted and sentenced. Out of four persons, sentence of three accused have already been suspended. Learned counsel has placed before me certified copy of the order passed by this Court in S.B. Cr. Misc. Bail (Suspension) Application No.1275/2006 vide order dated 17.04.2007.

On the other hand, learned Public Prosecutor has opposed the application for suspension of sentence.

I have considered the submissions made before me.

Taking into consideration overall facts and circumstances of the present case and the fact that sentence of similarly situated accused persons have already been suspended, therefore, I deem it just and proper to suspend the sentence of imprisonment awarded to the accused applicant.

Accordingly, the bail application filed by the applicant is allowed and it is ordered that the sentence passed by the learned Special Judge, NDPS Cases, Banswara vide judgment dated 06.08.2005 in Special Sessions Case No.01/2002 against applicant Gautam s/o Saviya shall remain suspended till final disposal of the aforesaid appeal provided he executes a personal bond in the sum of Rs.30,000/- with two sound and solvent sureties in the sum of Rs.15,000/- each to the satisfaction of the learned trial Judge for his appearance before this court on 20th August, 2007 and as when called upon to do so incorporating in the bond that as and when he will shift his place of residence, he will intimate to this Court and his counsel about his new place.

(SATYA PRAKASH PATHAK), J.

vij